

**Before The
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	CC Docket No. 98-67
Telecommunications Relay Services)	
And Speech-to-Speech Services for)	CG Docket No. 03-123
Individuals with Hearing and Speech)	
Disabilities)	

REPLY COMMENTS OF ERIC GJERDINGEN

History is repeating itself once again in the VRS industry. Most people in the field of telecommunications might know that, “Mr. Watson, come here. I want you,” were the very first words uttered over a telephone by Alexander Graham Bell in 1876, but what they may not know is the fact that he originally created this device to help teach deaf people learn how to speak as he had a deaf mother and a deaf wife, and he also taught the deaf. This invention ultimately led him to forming the Bell Telephone Company in 1877, and purchased a manufacturing facility in 1881 as they intended to try to gain a significant share of the market before the patents he had on the phone expired in 1893 and 1894 as they knew it would lead to open competition. By the turn of the century, there were around 6,000 independent telephone operating company that provided service to over 600,000 people across the nation. However, these telephone operating companies were not interconnected. But because Bell Telephone, who had changed their name to AT&T, was way ahead of the market, they gained control of all the long-distance circuits and just would not allow for interconnectivity with any of the other providers, and they also had majority control of Western Union.. The Justice Department eventually decided to put an end to this by filing suit in 1912 and AT&T’s Vice-President at the time, Nathan Kingsbury, was quick to point out that it was not a monopoly by pointing at the thousands of other thousands providers. Nathan eventually relented and agreed to provide interconnection to all independents with the Kingsbury Commitment in 1913, where he wrote a letter to the Attorney General notifying him that they would sell off their shares in Western Union. But ironically, instead of making it a competitive market, this was actually the beginning of AT&T’s monopoly in the telephone business

This Commitment allowed for the provision that their market share could increase in equation to the number of telephones that they sold, which in turn allowed them to increase their market share in long-distance by consolidating their strengths in the best urban markets across the nation and interconnecting them and this lasted until 1934. This was the year that the Communications Act was passed, which led to the formation of the FCC which regulated communications by wire and radio and to attempt to make it a competitive and fair market. However that is not to say that there weren't battles between these telecommunication companies and the government, because there were, up until 1984 when the break up of the Bell System into seven regional companies in an agreement with the Department of Justice. This pretty much remained in place until the passage of the 1996 Telecommunications Act, which were basically amendments to the Communications Act of 1934, and made the telecommunications industry more competitive and fairer to the American citizens.

Now the Telecommunications Act was in my opinion the next best set of laws to happen for deaf people, in my opinion, right after the Americans with Disabilities Act of 1990. Both of these Acts have greatly enhanced communication access on my behalf as a deaf person, and those of my peers across the nation in which we all genuinely appreciate. However, with recent events, I am somewhat feeling like I've gone back in time and facing monopolistic actions and anti-competitive practices that American history has experienced with in telecommunications in the past as mentioned above, especially when it comes to Video Relay Service, as that is exactly what the dominant provider has been doing in my opinion.

I, Eric Gjerdingen, hereby submit my reply regarding the Commission's request for comment on the petition for declaratory ruling on interoperability.¹ I am qualified to submit a reply comment as I am a consumer that has been profoundly deaf since birth. I remember as a child, I had to have my father translate my telephone calls for me as there were no relay services available at the time. In my teen years, there was a voluntary telephone line where at certain hours of the day, volunteers would translate calls where I could use a TTY by calling a voluntary center, but there were long lines as I usually got a

¹ California Coalition of Agencies Serving the Deaf and Hard of Hearing. *Petition for Declaratory Ruling on Interoperability*, CC Docket No. 98-67 and CG Docket No. 03-123, Filed Feb. 15, 2005

busy signal. When the Americans with Disabilities Act was passed, my life changed dramatically, for the better, as Title IV of that Act mandated Telecommunications Relay Services which quite widened the horizon for me when it comes to communication access. For the first time in my life, I felt like a 100% equal as I could communicate with any hearing person on the telephone, hence functional equivalency. Over time, TRS has improved significantly by adding internet relay and especially because they also added video relay services (VRS). Using any TTY, anyone could access any TRS provider and the same also applied for internet relay using any computer to access any provider. When I found out that the same did not apply to VRS, I was appalled and disgusted!!!! I feel that anyone using any videophone should be able to access any VRS provider, just like any other TRS device. This takes us right back to the monopolistic days of when the telephone was invented up to the breakup of Bell Systems when it comes to VRS.

The fact that this occurs, it is rather obvious to me that this has also affected a lot of my other peers who are also deaf or hard of hearing. In Docket 98-67 from March 1, 2005 to April 15, 2005, 1,289 comments were submitted and filed and that is out of an overall total of 3,798 comments in Docket 98-67 as of March 21, 2005 and this docket dates back to May 1998, nearly 7 years ago. Over 1/3rd of the entire comments in this entire docket were generated in just 46 days and that is because the petition affected a lot of people and it seems to be the most important petition ever since TRS started, as VRS is an integral part of their lives. I was under the impression that over 90% of the respondent to the petition supported it.

Many deaf and hard of hearing people across America, including myself, were thrilled when VRS first started in 1995, when Sprint, in a partnership with CSD, worked with the Texas PUC in developing VRS, as it allowed them to communicate in their primary language, ASL. Since then, it has expanded and improved, other TRS providers began to offer VRS, which was very good as it allowed for consumer choices. Only two years ago, Sorenson Media, currently the dominant provider, not having any experience whatsoever in the TRS industry decided to get into the picture. At first, I thought this was a good thing as it was an added consumer choice, but in less than two years, they quickly leap-frogged to the front, becoming the dominant provider, by utilizing what I felt were unfair and anti-competitive

practices by keeping their products exclusive and completely disregarding various telecommunications and other federal laws that were specifically designed to prevent this sort of monopolistic attitude from occurring, it came to me that it wasn't such a good thing after all. It is my belief that they also violated Americans with Disability laws by requesting their users to sign away federally guaranteed functional equivalency rights in order to get their videophones. This dominant provider forbade their users from accessing other providers and gives me the impression that they prefer to allow their VRS users to suffer by waiting in long lines. This caused an outrage across the nation. On January 26, 2005, the Commission announced that all VRS users were allowed to access more than one VRS provider which thrilled deaf people all across the nation as they felt that their hopes for full functional equivalency was restored once again. However, these hopes were immediately dashed when they found out about the two simple words, informed consent, and those two words are what eventually brought the CCASDHH's actions to put together and submit the petition for interoperability, which in turn lead to the highest amount of comments to a petition in TRS history, as far as I know, when it comes to Docket 98-67. These comments overall were heavily in favor of interoperability.

I wholeheartedly throw my support to the comments of over 120 comments that specifically supported interoperability.² I also give my full support the over 200 comments of those that wanted interoperability, but expressed it using different words such as wanting compatibility; wanting full access; wanting freedom of choice; wanting open access; did not want blockage or restrictions; and wanting functional equivalency.³ I realize that the issue of the average speed of answer is another issue here; however, interoperability would greatly help reduce long lines of waiting for a video interpreter, as VRS users would be able to call another provider if the one they call is busy. For this reason, I also support the comments of over 60 consumers that have complained about or acknowledged long waiting

² See Appendix A for a list of the names that have submitted comments specifically supporting interoperability.

³ See Appendix B for a list of the names that have submitted comments wanting compatibility, full access, freedom of choice, wanting open access, didn't want blockage or restrictions, and wanting functional equivalency.

times.⁴ There were many more comments that supported the above areas, but it was not enough to gain my full endorsement, only partially.

I also wholeheartedly support the comments of various providers and organizations, including, but not limited to Hamilton Relay and Hands On Video Relay Services, as well as Alexander Graham Bell Association for the Deaf and Hard of Hearing, Communication Service for the Deaf, National Association of the Deaf, Oklahoma Association of the Deaf, Orange County Deaf Advocacy Center, RERC on Telecommunications Access (filed by Gregg C. Vanderheiden and Judith E. Harkins), and Telecommunications for the Deaf, Inc.

There are also comments that have been filed that I totally disagree with and I begin with the comments of 19 consumers.⁵ It is very easy for me to disagree with all of these people at one time, as they all basically had the same exact words, which was derived from the dominant provider's website.⁶ If this were a courtroom of law, I would think an objection would be arisen as it's basically a case of the dominant provider leading the witness, as these people weren't able to object to interoperability in their own words. I totally disagree with the fact that they claim that interoperability would lead to a decrease in innovations done by providers which leads to functional equivalency. I have a strong belief that it is actually the opposite as it would lead to an increase instead. I am not asking that the dominant provider gives their improvements to competing providers, as they can open their VRS devices to other providers without giving away their proprietary information. In fact, there was a time when the dominant provider's devices were able to access other providers and they just chose to block them. A consumer submitted this comment, "when I get Sorenson VRS and then I used them through Relay of Sorenson, it was way too long...then I decide to turn to reach SprintVRS, then few months later, they (Sorenson) begin to block me through to SprintVRS and quick.."⁷ This was also proven in a deposition where an executive with the dominant provider admitted it.⁸ This was perhaps where the dominant provider's

⁴ See Appendix C for a list of the names that complained about or acknowledged long waiting times.

⁵ See Appendix D for a list of these 19 consumers.

⁶ See <http://www.sorensonvrs.com/fcc/index.php>

⁷ See Comment of James Moore.

⁸ Hands On Video Relay Services, Inc.'s Comments, Exhibit 1, CC Docket No. 98-67 and CG Docket No. 03-123, filed April 15, 2005

unfair and anti-competitive practices began. Not only that, it is also my opinion that the dominant provider is also possibly preventing other providers from developing their own firmware through a licensing agreement with D-Link, who produces the only other videophone that meets the quality standards for VRS as I see it.

The one comment that I disagreed with the most was Sorenson Media's comment, as I felt that it was wrong and misleading in a lot of areas, beginning with their summary.⁹ They claim that VRS consumers are free to choose from among eight VRS providers.¹⁰ I believe that this is absolutely false and misleading, as they have thousands and thousands of exclusivity agreements with consumers that use the dominant provider's videophones, and yet they are purposely blocked from accessing other VRS providers. These people are existing VRS consumers and the majority of them do not have other videophones so they have no way of accessing other providers, which immediately takes away their functional equivalency. The majority of them have to wait in long lines, solely because of the fact that they could not access another provider, and a multitude of consumer comments have been filed to prove this. To show an example and to quote a consumer, "I would like to share my experiences using Sorenson VRS. I have bladder cancer and in advanced stage. I need to make a lot of appts and see doctors and getting tested etc. Whenever I use Sorenson, it is a long long wait to get a VRS interpreter. Sometimes, I have to wait 20-30 minutes. I cannot wait that long. I wish I have to wait long then try to use other VRS company or vendor but I can't. Sorenson will not let me use other services. This is not right."¹¹ Another consumer stated, "When I tried to make the phone call through the VRS. It took me almost 2 hours to make the phone calls. I had to wait and wait for the VRS to call me back."¹² This leads me to believe it was a call using the dominant provider's videophone, otherwise she would have simply called another provider, but she was not able to do so.

⁹ Sorenson Media Comments, page i, CC Docket No. 98-67 and CG Docket No. 03-123, filed April 15, 2005

¹⁰ *Id.*

¹¹ See Comment of Ramiro Bustamante

¹² See Comment of C. Diane Johnson

The dominant provider also stated that their users are able to receive calls from someone who does not have a VP-100 videophone.¹³ While that may be true, it is still somewhat misleading as it is not easily done and many consumers often have frustrations with this, as many comments support this. As a consumer said, “I have a DLINK Videophone; however, I am not able to call my friend customers with another equipment (Sorrenson) as well as Sorrenson Videorelay service except that they can contact me using their equipment. Apparently, there is a blocking configuration on one of the ends, my end or the other end.”¹⁴ Another consumer went on to state, “my friends who have sorensen, said that their sorensen installers told them not to give me their ip addresses because it will make their videophones screwed up, their installers forced me to give them my ip address. i don’t think it is right. many deafies who own sorensen, don’t know how to find their ip addresses because their installers wont teach them how to find their ip addresses thru their computer for their videophone.”¹⁵ If the consumers that use a VP-100 face difficulty in knowing their own ip address, then how are hearing people going to initiate calls from other providers to call a deaf person, as the dominant provider claims, when they do not know the ip address?¹⁶ A hearing consumer explained that she could not communicate directly with her parents as they have a VP-100 and she did not want to by a D-Link as she heard about the restrictions between the two devices and that she could not buy a VP-100 so their family discussions were limited to the use of interpreters. She also went on to state, “Imagine, if each phone company had its own proprietary phone, the chaos that would be created for society. This is the problem being created in the microcosm of the Deaf world.”¹⁷ From the comments of another hearing consumer, “As a hearing individual trying to contact a deaf individual via a VP-100, I am forced to wait for lengthy periods of time to contact the deaf party because there is always a wait. I am not able to connect with the deaf person through other faster responding VRS providers because this particular VRS provider blocks other VRS

¹³ *Id.*, pg. ii

¹⁴ See Comment of Darryl K Robertson

¹⁵ See Comment of Charlotte Norrod

¹⁶ See footnote 8, pg. ii

¹⁷ See Comment of Cynthia Johnson

providers from making voice-to-video calls to a VP-100. So I wait...and wait. This is obviously not functionally equivalent.”¹⁸

Sorenson maintains that complete interoperability would require additional investment of scarce capital resources to unbundle the VP-100 equipment and technology.¹⁹ Their version of complete interoperability is different from the rest of the providers’ versions, they think we are asking them to hand over all of their proprietary firmware and that is not the case, we are merely asking that they comply with the laws and simply remove the blocks to other providers and allow other providers to develop their own firmware on the D-Link videophones. This is merely done by removing the IP address that they have put in to block the other providers as that was admitted by the dominant provider’s Engineering Vice President.²⁰ We are simply asking that they end their unfair and monopolistic trade practices by allowing the other providers to develop their own firmware as that seems to me to be prevented by their licensing agreement with D-Link. If their capital resources are as scarce as they say, then perhaps it is a result of their anti-competitive practices and they need to reconsider their business model.

The dominant provider also claims to be in compliance with the Americans with Disabilities Act, the Communications Act and all the non-waived mandatory minimum standards of Section 64.604 of the Commission’s rules.²¹ This is in my opinion, another false and misleading statement. In Title IV, Section 225(a)(3) of the ADA, it explains functional equivalency and the users of the dominant provider’s videophones that do not have access to other videophones do not have functional equivalency as they cannot access any VRS provider of their choice. Section 225(b)(1) specifies the availability to all individuals a rapid and efficient nationwide communication system and to increase the utility of the telephone system in the nation. The dominant provider’s exclusive consumer that use their videophones do not have access to a rapid and efficient nationwide communication system as they cannot access the other VRS providers so it is not efficient, in addition, the utility of the telephone system in the nation is

¹⁸ See Comment of Karl Kosiorek

¹⁹ See footnote 8, page iii

²⁰ Hands On Video Relay Services, Inc.’s Comments, Exhibit 1, CC Docket No. 98-67 and CG Docket No. 03-123, filed April 15, 2005

²¹ See footnote 8, pg. 2

not increased. I believe that the dominant provider is also not in compliance with Section 225(d)(1)(E) which is the prohibition of refusing calls, they are in effect refusing calls to other VRS providers by making their consumers sign exclusivity agreements and purposely blocking access to other VRS providers in their videophones, yet not everyone is fully aware of the agreement that they're signing. "I am sure the instructional booklet that comes with installing the Sorenson Videophone can easily say "Click on Sorenson as the only provider" when many customers like me, are clueless to the new technology. We do not know that it means we cannot use other providers because we're not formally educated to make a choice with something so brand new. If we familiarize ourselves with the new technologies and see the choices we are offered and how it complements each other, then we can make intellectual choices. Like the answer to say yes/no to one VRS being the only provider. This often happens when we get something 'free' and are told to do this as part of our obligation to say 'thanks.' This, however, is pure discrimination"²²

Title II of the Communications Act, Part I, Section 202 (a) makes it unlawful for a common carrier to discriminate in practices or services for or in connection with like communication service by any means or devices to subject people to disadvantage.²³ It is my belief that the dominant provider violates this Act by utilizing exclusive contracts and purposely blocks their consumers from accessing other VRS providers which puts them at a disadvantage, as acknowledged in many comments filed. Section 225(a)(3) clearly defines functional equivalency as deaf people having the ability to communicate using communication services in the same manner as a hearing person by using a nonvoice terminal device, which is what the dominant provider provides.²⁴ By limiting access, their consumers do not have functional equivalency. I won't need to repeat the other violations in this section as that has been covered in the ADA section above. In Part II of this Act, Section 251(a)(1) clearly states that that each telecommunications carrier has the duty to interconnect with the facilities and equipment of other telecommunications carriers, yet another violation on the dominant providers behalf, as they do not

²² See Comment of Michelle Osterhout

²³ See 47 U.S.C § 202(a)

²⁴ See 47 U.S.C § 225(a)(3)

allow for interconnection with other providers.²⁵ Section 251(a)(2) bans the installations of network features, functions, or capabilities that do not comply with the guidelines and standards established pursuant to Sections 255 or 256.²⁶ It is my opinion that they are not in compliance with this because they do indeed violate both Sections 255 and 256. Section 255(c) states a provider of telecommunication service shall ensure that the service is accessible and usable by deaf people.²⁷ The video relay service is not fully accessible to the users of the dominant provider's videophones as they purposely block them out. I believe that the dominant provider also violates several parts of section 256, as they do not promote nondiscriminatory accessibility by the broadest number of users and vendors of communication products and services to public telecommunications networks used to provide telecommunication service through coordinated public network planning and design by telecommunication carriers and other providers of telecommunications service; and public telecommunications network interconnectivity, and interconnectivity of devices with such networks used to provide telecommunications service; and to ensure the ability of users and information providers to seamlessly and transparently transmit and receive information between and across telecommunications networks.²⁸

The dominant provider, in my opinion, is also in violation of 64.604(a)(3) of the Commission's rules by refusing calls that their consumers that use their videophones and may want to access other providers.²⁹ Section 64.604(b)(3) provides for equal access to interexchange carriers and that is not being done as the dominant provider does not allow for access to Sprint, AT&T, MCI, and the like as they qualify as interexchange carriers and they happen to provide VRS too.³⁰ Section 64.604(b)(5) states that no regulation should discourage or impair the development of improved technology that fosters the available of telecommunications to deaf people.³¹ The dominant provider certainly improved upon the technology of the end user when it comes to VRS, but they certainly aren't fostering its availability to deaf people as they are keeping it exclusively to themselves.

²⁵ See 47 U.S.C § 251(a)(1)

²⁶ See 47 U.S.C § 251(a)(2)

²⁷ See 47 U.S.C § 255(c)

²⁸ See 47 U.S.C §§256(a)(1), 256(a)(1)(A), 256 (a)(1)(B), 256(a)(2)

²⁹ See 47 C.F.R § 64.604(a)(3)

³⁰ See 47 C.F.R § 64.604(b)(3)

³¹ See 47 C.F.R § 64.604(b)(5)

The dominant provider maintains that exclusivity with customers is legitimate according to the Commission, providing that informed consent is accomplished.³² While I hold the utmost respect for the Commission, I still feel the need to point out that they erred in allowing for informed consent and explain my reasoning. By asking for informed consent and getting those to sign the exclusivity agreement, I believe that they are asking these consumers to sacrifice guaranteed federal rights to functional equivalency given to them by the ADA. Is the dominant provider telling them that they are giving up these rights by signing the contract? If not, then it is not informed consent as they are not being fully informed. Blocking access to other providers significantly decreases their functional equivalencies as they are not equal to hearing people that can call any provider of their choice. The Commission has specifically stated, “although the principal of functional equivalency necessarily applies to the provisions of all forms of TRS, the parameters of functional equivalency are specific to each form of TRS. And as we have noted, although providers are entitled to recover their costs for providing functionally equivalency service, they are not entitled to recover their cost of providing what they may think is the best possible service they can offer without regard to cost.”³³ Therefore, VRS should have its own parameters of functional equivalency, and ASL is the utmost important parameter, as VRS was specifically designed for those whose primary language is ASL. By taking away a portion of the functional equivalency that the consumers deserve, the dominant provider makes them sign exclusivity agreements. This highly conflicts what the Commission has stated, as the dominant provider is providing what they think is the best possible service they can offer, and not providing functionally equivalency service as they block access to other providers, therefore, they should not recover their costs at all.

The dominant provider also disputed the petitioner’s statement that having two devices is unacceptable by stating that many commenters indicated that they have more than one device, which is the consumer’s choice.³⁴ This was again not quite true and a misleading statement on their behalf, in

³² See Footnote 8, pg 3

³³ See *Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking*, CC Docket No. 90-571, CC Docket No. 98-67, CG Docket No. 03-123 ¶190, June 30, 2004.

³⁴ See Footnote 8, pg 4.

my opinion. They failed to state the rest of the comment that was said by the two consumers that they referred to in their footnotes, Huey Barbin and James Beldon.³⁵ To directly quote Huey Barbin's comment, "At first, I had a webcam that worked with others. After Sorenson vp installation, the webcam becomes inoperable. I wish to use either of them to vptalk with hearing people with their webcams but now we can't because of some blockages. So I got DLink from another VRS just to get some choices of VRS."³⁶ Now to quote James Beldon, "FIRST OF ALL, WE ARE THANKFUL TO BE ABLE TO HAVE ii2EYE AND SORENSON FOR VIDEO PHONE (VP) USE. IT'S REALLY A BLESSING. WE WANT ACCESS TO BOTH ii2EYE AND SORENSON WHENEVER WE CALL THROUGH VP. WE ARE FRUSTRATED THAT SORENSON HAS BLOCKED THE USE OF ii2EYE FOR SUCH A LONG TIME. I WOULD LIKE SORENSON TO STOP DOING THIS. HEARING PEOPLE ALWAYS HAVE THE LUXURY IN THEIR LIVES TO MAKE CHOICES AT THEIR CONVENIENCE WITH ACCESS ANYWHERE. AS DEAF PEOPLE USING VIDEO PHONE, WE HAVE THE RIGHT TO ACCESS ANY PROVIDER. PLEASE PUT AN END TO SORENSON'S UNFAIR PRACTICE OF BLOCKING OUR OPTIONS AND SERVICES. PLEASE GIVE US BACK OUR RIGHTS FROM SORENSON'S CONTROL OF OUR RIGHTS AND CHOICES. THIS IS ON OUR BEHALF AND THE CONSENSUS OF MANY OTHER DEAF USERS NATIONWIDE. THANK YOU VERY MUCH. JAMES L. BELDON, SR (PRESIDENT OF C.S.A.D IN SOUTH BEND, INDIANA)"³⁷ As you can see, Huey was frustrated with the dominant provider's blockage, so he resorted to getting a D-Link, which is a result of his functional equivalency being decreased.. James says it directly for them to stop blocking too. Another misleading fact on the dominant provider's behalf, in my opinion, was the fact that they stated many commenters indicated that they had more than one videophone. I took the incentive to go through the 1,289 comments that were submitted from March 1,2005 to April 15, 2005. Aside from the two comments recently, I only counted 8 more commenters that had more than one videophone, unless I missed a couple, and that to me does not classify as many. But since the dominant provider brought this up, I would like to quote a few more commenters. "I use Sorenson and D-Link. I beleived Sorenson gave me unfair for me to use any relay service. If sorenson relay is busy, i should be able to call other company relay using same equipments. with Dlink, it has limit features and it does not allow me to use phone numbers to call out to other person who have

³⁵ *Id.*

³⁶ See Comment of Huey Barbin

³⁷ See Comment of James Beldon

videophone under sorensen.”³⁸ “I am tired of waiting to get video phone interperter. I had been waiting over 20 mins for that. I do not like it. what is more I have two video phone but different company name. I know if I use other device then other deaf people can't reach me because I switch different device video phone.”³⁹ “We have two video devices, a VP-100 and a D-Link VRS. They both call using all providers in our house. The VP-100 has a wait time of up to 20 minutes to catch service you. I switched to the DLink "I 2 eye" to get better access. It quickly opens on screen just as fast as Hipvrs, Hovrs, Ip-relay and Sprintvrs. Only takes a few minutes. We have to pay 2 bills you. It is not fair and that is enough!”⁴⁰ “I am greatly disappointed with one of my videophone (Sorenson Vp- 100) blocked my choices of VRS provider. I have two different videophones but It's very ridicilious to have two same devices on my Television. Just because I'm forced to pay 2 separated cable modems (95 dollars) in order of using 2 videophones. I have no choice that I need a freedom of choice to use many VRS provider.”⁴¹ These commenters have made it very clear that the Petitioner is accurate in claiming that it is a considerable burden.

The way I see it, the dominant provider’s pattern of misleading continues when they state that “consumers are free from any VRS providers and that they do not prevent them from choosing, as well as the fact that when a consumer selects their services, they are advised that their videophones do not access other providers.”⁴² It seems that there are comments that were filed by consumers stating that they did not fully understand this. To quote a comment, “I work for an organization which serves deaf and hard of hearing individuals. A number of individuals who have received equipment from Sorenson VRS were not aware that the equipment they agreed to have installed would limit them to using Sorenson VRS. They are now frustrated and disappointed that they have no choice in VRS providers as long as they continue to use the equipment.”⁴³ There are many other comments of VP-100 users that wanted access to other providers, and I believe if they really knew that they signed an exclusivity contract, perhaps they wouldn’t be filing comments complaining of it. ⁴⁴ I don’t think they would have signed them if they were advised that they would be giving

³⁸ See Comment of Keith Cook

³⁹ See Comment of Paul Baggett

⁴⁰ See Comment of George Magnum

⁴¹ See Comment of Sherri Dunn

⁴² See Footnote 8, pg 4

⁴³ See Comment of Jill Sahakian

⁴⁴ See, e.g., Comments of Kevin Fleese, Joe Prieto, Don Herman, Sammy Jackson, Sally G. Wingard, Rev. P. Henry Goldberg, Hilary Ainbender, Carol A. Yuknis, Richard D. Price, Barbara Mongeau,

up federally guaranteed rights. It was easy to see that they were VP-100 users as they either specified that they were VP-100 users or that they were blocked from accessing other VRS providers and the VP-100 unit is the only unit that does that.

When a consumer applies for a VP-100 at the dominant provider's website, it does state that they're free to use another videophone, however, it does not state that they may require another IP address and a monthly charge to use multiple relay services.⁴⁵ Once the installer shows up at the door and notifies the consumer of this, the installer is already at the house basically waving a free videophone in front of their face so they will sign it because they have a strong desire to communicate via telecommunications in their primary language, ASL, so they go ahead with the installation.

The dominant provider also states that all of their installers and trainers are available to answer all questions and make sure they understand the license agreement.⁴⁶ But it seems that consumers are also pressured once the installer arrives. To quote a comment to show my point, "LOOK! the installer said positive said," This sorensen is better because no phone number change. you will keep this phone number forever, D-Lind will have to change often on IP address and hard to reach dialing." That how they become popular Sorensen. Do they will said negative thing? They wont said. Just give you and sign up contract that it. LOOK! regular phone has same number forever at different companies."⁴⁷ What's more, it is also quite possible that they were not fully informed that they may be facing long lines so they sign an exclusive contract assuming it will be just the same as TRS with fast service and then find that they were wrong. As a consumer stated, "My husband and I got our VP device last week and was appalud that we had to wait about 5-10 minutes to get the Video Relay Service on. We strongly feel regardless of what kind of device we have everyone must have an equal, speedy access just like our hearing counterparts in case of emergency or anything like that. Using VRS is just amazingly wonderful but having to wait is just terrible, nerve-wracking experience that no one should have to go through especially in this wonderful country."⁴⁸ This next comment is really scary because it comes from an installer that works for the dominant provider, "I am frustrated with using my vp-100 many times because I can not select any VRS services, such as SprintVRS, IP VRS, etc. through vp-100 service

⁴⁵ See Footnote 8 pgs 4-5 website for application is <http://www.sorensonvrs.com/apply/index.php?PHPSESSID=b87f3dfd291b2821003d445e98628a27>

⁴⁶ *Id.* Pgs 5-6

⁴⁷ See Comment of William Haub

⁴⁸ See Comment of Patty and Fran Tadak

provider because the vp-100 service provider blocks my desire to call specified VRS services another than this vp-100 service provider. I am videophone installer to install videophones for deaf and hardof- hearing persons in part of Florida. I have been listened from most clients who have their vp-100 videophones at their homes and they are complaining about the vp-100 service provider because they could not have their rights to select any of all VRS, so they have to use the vp-100 service.”⁴⁹ You know he is an installer for them when he says his clients have VP-100s, it shudders me to think how many of their other installers are not fully aware of this whole process and the fact that they even realize that they ask their peers to waive guaranteed federal rights given to them when they explain the informed consent and the licensing agreement.

The dominant provider makes it sound so easy and simple when they say that more than one videophone can be used on the same IP address, according to which one is switched on. ⁵⁰ These consumers lose their functional equivalency if they do this as they will miss a call because it means that one videophone will be turned off. How are hearing people going to know which videophone is turned on when they attempt to call the deaf consumer? No doubt, it is much easier said than done and unjustly and significantly decreases the deaf consumer’s level of functional equivalency.

I would have to disagree with a portion of the statement that the dominant provider claimed that they were entirely consistent with Commission policy and the *January 26, 2005 Public Notice*.⁵¹ That may be true with the public notice the way it is stated, but while I think the Commission took a step in the right direction with it, but they did not go far enough. I believe this because informed consent takes away federally guaranteed rights accorded by the ADA and snatches away their rights to functional equivalency. I also do not believe that they are consistent with the Commission policy, as stated earlier so I will not repeat the reasons here.

It is also my opinion that the dominant provider’s claim regarding Commission claim supports use or proprietary equipment compatible with a provider’s own service regarding CapTel was a weak point.⁵² Captel is provided at the state relay level, as it is up to the state to determine whether they want CapTel or not, and while its technology may be proprietary, Ultratec allows other relay providers

⁴⁹ See Comment of Jerome W. Peebles

⁵⁰ See Footnote 8, pg 6

⁵¹ *Id.*, Pg 7

⁵² *Id.*, Pg 9

to use their technology whereas the VRS dominant provider does not. Furthermore, when the Commission issued its Declaratory Ruling in response to a Petition for Clarification files by Ultratec, they also mentioned that every single party filing comment supported Ultratec's Petition except one, AT&T.⁵³ AT&T was not totally against it, they just felt it was premature to make any final determinations of the status of CapTel under statutory and regulatory requirements for TRS in the absence of more definitive information than is currently available as there were still state trials pending at the time.⁵⁴ Currently, Ultratec, Sprint, and Hamilton Relay all offer CapTel services in states that have approved to provide such as service as it is a service that is decided by the state, as opposed to the federal level, with the exception of Federal CapTel, that is available to all government employees, whether active or retired, veterans and U.S. Tribal members in every state. The point here is that, although the CapTel is the proprietary technology of Ultratec, they are not keeping it exclusively to themselves, as Sprint and Hamilton Relay use it too, for the sole purpose of a significant profit gain whereas the dominant provider is doing just that when it comes to VRS. Therefore, it is my opinion that the dominant provider's point regarding the Commission precedent is a moot point and should be completely disregarded.

I was stunned to see the dominant provider's claim that it was competing with better-funded VRS providers affiliated with traditionally dominant common carriers.⁵⁵ It shocked me because I am under the impression that the dominant provider put in far more funding into VRS, in fact, it is my opinion that it is significantly more than all the other VRS providers put together. Granted, some carriers may be worth more overall, but they do not fund VRS as much as the dominant provider since they do have a wide horizon of other telecommunication products that they devote more of their investments into whereas the dominant provider does not. The main reason some of these carriers are into the TRS business is because they contribute significantly towards the Universal Service Fund and they get involved with TRS to try to recoup some of their contributions. Unless I am proven wrong, but

⁵³ See *Telecommunications Relay Services, and Speech-to-Speech Services for Individual with Hearing and Speech Disabilities*, Declaratory Ruling, CC Docket 98-67, at ¶ 13.

⁵⁴ AT&T's Comment, CC Docket 98-67, filed 7/26/02, pg. 2

⁵⁵ See Footnote 8, pg 10

I do not think that the dominant provider contributes to this Universal Service Fund. The dominant provider is also part of a larger privately owned conglomerate whose family patriarch has donated over 5 million dollars worth of videophones and videophone booth equipment through the dominant provider.⁵⁶ It is my opinion that it is their financial clout that allowed them to become the dominant provider so quickly as I think they knew that they would do so by putting in more funding into VRS than perhaps all the other VRS providers put together and then they easily recoup it and more by becoming the dominant provider that purposely blocks access to other providers.

I do agree with the dominant provider when they stated that the greater the number of strong competing providers, the faster VRS will become available.⁵⁷ However, it is also my opinion that the dominant provider deliberately set out a plan that when they entered the VRS industry with their videophones, they ensured that other providers would have difficult in being able to effectively compete with them. It is my understanding and I believe and think that the dominant provider entered an agreement with D-Link, who provides videophones to be sold on the market, where they would be prohibited from entering agreements with other providers where they would be able to secure their own LDAPs and to design their own firmware using the videophones distributed by D-Link. It is my opinion that the videophones provided by the dominant provider and D-Link are the only videophones in the current United States market that is able to provide the minimal quality standards that is needed to provide VRS and the dominant provider knew this so they took steps to ensure that the other providers would not be able to effectively compete with them by tying up their hands and limiting what they can do. I believe that this is a form of anti-competitive or anti-trust action that has been prohibited by federal laws arising from the Sherman Act⁵⁸ and the Clayton Act⁵⁹. It is also my opinion that they may possibly be conspiring to defraud the government⁶⁰ by violating laws and regulations in order to gain public funding and believe that this should be investigated. I am not a lawyer, nor do I claim to be one, but it is my own interpretation that the dominant provider violates these areas. It is my understanding

⁵⁶ See website, http://www.sorensoncompanies.com/giving_back_deaf.html

⁵⁷ See Footnote 8, pg 10

⁵⁸ 15 U.S.C §§ 1 & 2

⁵⁹ 15 U.S.C §§ 13 & 14

⁶⁰ 18 U.S.C. §§ 371, 1031, & 1343

that the Communications Act has had an direct impact upon the regulatory activities of the Antitrust Division. Under Section 402(a) of the Communications Act, the Antitrust Division, representing the United States, is automatically a party respondent in most appeals from FCC common carrier and rule-making actions

The dominant provider also claimed that their practice of distributing free videophones was consistent with Section 225 of the Communications Act and that it was different from the marketing practices that the Commission ruled as violating Section 225, such as “usage-based reward or incentive programs, or programs that tied the receipt of equipment to minimum usage requirements.”⁶¹ It is my opinion that the way that the dominant provider structures its free videophone distribution program, it is a form of usage-based reward or an incentive program although it may not tie in with minimal usage requirements. They require consumers to sign exclusivity agreement that they will not use any other provider on their videophones and no other provider does this and they do distribute free videophones too, and it is my belief that the other providers do not do this because they feel it violates Section 225. It is my opinion and I believe that the dominant provider has been found to violate Section 225 in the past and that it has been documented by the Commission. The Commission has ruled that providers using their customer database to contact prior users of their service and suggest, urge, or tell them to make more VRS calls as being an improper use of information obtained from consumers using the service.⁶² The Commission also stated that providers were selectively answering calls from preferred consumers or locations, rather than answering calls in the order that they were received was also an improper use of information obtained from consumers using the service and is inconsistent with the notion of functional equivalency.⁶³ The Commission also stated that providers making advance reservations so that the consumer can reach a CA without delay at a specific time to place a call was also inconsistent with the

⁶¹ See Footnote 8, pgs 9-10

⁶² See *Federal Communications Commission Clarifies that Certain Telecommunications Relay Services (TRS) Marketing and Call Handling Practices are Improper and Reminds that Video Relay Service (VRS) May Not be Used as a Video Remote Interpreting Service*, Public Notice, CC Docket No. 98-67, CG Docket No. 03-123, January 26, 2005

⁶³ *Id.*

functional equivalency mandate of Section 225 and the TRS regulations.⁶⁴ The Commission has also prohibited call-back arrangements where a consumer reaches only a message or recording that asks the caller to leave certain information so that the provider can call the consumer back when the provider is able to place the call as this was not consistent with the functional equivalent mandate.⁶⁵

I would also like to reply to the dominant provider's claim that they are making efforts to improve the speed of answer by increasing the number of qualified interpreters.⁶⁶ The dominant providers maintains the problem is due to an insufficient number of interpreters to meet the demand and that may indeed be the case for the time being, however, they do not operate every single VRS call center across the country. If the dominant provider simply unblocked access to other providers, just as the rest of the other providers do, consumers would be given the choice of accessing a different provider if the first one that they access is busy, therefore, this would greatly assist in reduction of the average speed of answer without mandating ASA although the ASA does need to be addressed in phases over time. But until that happens, we need an immediate solution to provide the consumer with shorter waiting times and that is interoperability.

I agree with dominant provider when they pointed out that the Commission stated that VRS is in its technological infancy and that they would continue to monitor VRS technology.⁶⁷ In this same report, the Commission went on to state that experimentation with different technologies would lead to a better VRS (they used the words VRI at the time and this changed after this report), and therefore complies with the statutory mandate that TRS services are to be provided to "the extent possible" and in the "most efficient manner" and that they believed that it should be market forces, not the Commission, to determine the technology and equipment best suited and allows for the development of new and improved technology.⁶⁸ It is my opinion that the dominant providers tactics is not provided to "the extent possible" and in the "most efficient manner" for the sole fact that they prevent VP-100 users from

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ See Footnote 8, pg 16

⁶⁷ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 98-67 at ¶¶ 21-22, March 6, 2000

⁶⁸ *Id.* ¶ 23.

access any provider of their choice. Normally I would support the market forces statement and had supported that when that statement was issued back in 2000 and that was when all the providers were playing fairly and they were all also interoperable with each other. It is my opinion that the dominant provider does not participate fairly by blocking access to other VRS providers and takes away functional equivalency from their consumers so if market forces applies to this, then it needs to be reworded so that every single VRS consumer has full access to every single provider so that they may select their preference and restore their functional equivalency.

The dominant provider also said that their videophone is a fully integrated system.⁶⁹ The Commission is in the process of prohibiting multichannel video programming distributors from deploying new navigation devices for television that perform both conditional access functions and other functions in a single integrated device by implementing a phase out plan.⁷⁰ The giant provider's videophone is a fully integrated system that also has conditional access functions, which is exclusivity, so the same concept should also apply here so that users have full access, not access based on conditions. The prohibition on integrated devices appears to be one of the few reasonable mechanisms for assuring that MVPDs devote both their technical and business energies towards the creation of an environment in which competitive markets will develop.⁷¹

The dominant pointed out that the condition imposed upon AOL was subsequently removed by the Commission.⁷² What they failed to point out was that the condition was removed, because they were no longer the dominant provider. However, I also believe that they are also interoperable as they offer AIM, which can be user by any user on any ISP. It is my opinion that they originally had to comply with this condition because they were the dominant IM provider, and the fact that they were unable to lift this condition for a time, allowed the competitors to somewhat catch up, although they still had more than 50% of the market. The Commission also stated that, "if a single provider achieves dominance by relying on network effects and refusing to interoperate, actual and competing providers will be driven

⁶⁹ See Footnote 8, pg 22

⁷⁰ See *Commercial Availability of Navigation Devices*, Second Report and Order, CS Docket No. 97-80, March 17, 2005 ¶ 7

⁷¹ *Id.* ¶ 30

⁷² See Footnote 8, pg 25

from and kept out of the market, resulting in loss in competition, innovation, and consumer welfare. In sum, interoperability will benefit consumers and be in the public interest because (i) it enables each user to communicate with the largest number of other users through one source, thus maximizing efficiency; (ii) it leads to more product and service choices and convenience for users; (iii) it leads to more competition, thus avoiding the need for regulation; and (iv) it leads to more innovation.⁷³

This Memorandum and Order also went on to say that the Commission may, in order to promote the policies of the Communication Act, they may become proactive instead of reacting by planning ahead for foreseeable events and therefore may place conditions to ensure that competition is not impeded, but enhanced.⁷⁴ With that being the case, the Commission gave AOL an incentive to interoperate by forbidding it from providing streaming video AIHS applications until it interoperates.⁷⁵ The Commission gave them three options, two of which required interoperability, with the third option being that they demonstrate that the imposition no longer serves the public interest, convenience, and necessity.⁷⁶

I think that for the sake of public interest, as can be seen by many comments filed by consumers in CC Docket No. 98-67, the same actions need to be imposed upon the dominant VRS provider, so that a monopoly does not occur as they are right around the corner from it, as it is my understanding that they have 80% of the market or more.

The Commission also ordered that AOL Time Warner not restrict the ability of consumers from selecting from a list of participating ISPs and allow them to select them by a method that does not discriminate.⁷⁷ Now there are not as many VRS providers as there are ISP providers, but this same concept should also apply to consumers and VRS providers. It is my opinion that the dominant provider is discriminating by issuing informed consents and licensing agreements and distributing videophones that purposely block access to other VRS providers. AOL Time Warner does not issue informed consents and licensing agreements mandating consumers to use their computer only for their services do they?

⁷³ See *Applications for Consent to the Transfer of Control of Licenses and Section 214 Authorizations by Time Warner Inc. and America Online, Inc., Transferors, to AOL Time Warner Inc., Transferee*, Memorandum Opinion and Order, CS Docket No. 00-30, January 22, 2001, ¶ 131

⁷⁴ *Id.* ¶ 150

⁷⁵ *Id.* ¶ 190

⁷⁶ *Id.* ¶¶ 192, 193, 195

⁷⁷ *Id.* ¶¶ 318, 319

The dominant provider also claims that there is nothing to prevent competitors, many of whom are better capitalized than them, from investing in new products and services and distributing them.⁷⁸ I highly disagree with this for the reason that I believe that there are only two videophones on the market that are of sufficient quality to meet the minimal standards of the VRS industry and no other provider is allowed to design their own firmware for either device. There are two non-profit organizations, CSD and Communication Access Center, both of whom are involved with VRS that probably do not have the funds to develop new videophones from scratch, however they could probably invest in firmware, but its my opinion that the dominant provider's agreements with D-Link prevents that. Hands On VRS is a small business and certainly not as well as capitalized as the dominant provider. I would find it hard to believe that Hamilton would be as well capitalized as the giant provider, who is part of a bigger privately owned conglomerate whose familiar patriarch is ranked 51 among the Forbes 400 richest Americans with an estimated \$3.7 billion. Through the dominant provider, this family patriarch donated over \$5 million in videophones and videophone booth equipment.⁷⁹ I guess I thought donations do not typically come with such strings attached as informed consents and exclusivity agreements that ask consumers to give up their federally guaranteed rights to functional equivalency, and in exchange, get significantly more funds back in reimbursements. The dominant provider has also states that they have spent tens of millions of dollars in developing a videophone.⁸⁰ In the same notice, they also stated that other vendors have not spent any money on developing the VP-100 videophone, installing the VP-100, or providing customer support for the phone.⁸¹ I think it is fairly safe to say that it is because they wanted to keep this exclusively to themselves knowing that it would immediately catapult them to becoming the dominant provider and eventually a monopoly, unless the Commission does something about it. The way I see it, put in tens of millions of dollars in developing a videophone, secure a donation of over five million dollars from the family patriarch for videophones, be sure to have way more installations than all providers combined and keep it exclusive by blocking access to other providers, forcing consumers give

⁷⁸ See Footnote 8, pg 25

⁷⁹ See website, http://www.sorensoncompanies.com/giving_back_deaf.html

⁸⁰ See Sorenson Notice, CC Docket 98-67, April 21,2005, page 4

⁸¹ *Id.*

up federally guaranteed rights to functionally equivalency in exchange for their videophone, and participate in anti-competitive tactics, I don't think I could think of a better way to create a monopoly. There are providers in other areas of telecommunications other than VRS and they invest far more than what the dominant provider has invested, yet they do not make it 100% exclusive, as they still allow for full interconnectivity to other providers. I also believe that if the Commission allows this to occur, we will be seeing more of this happening in other areas of business where financial clout will eventually conquer and putting the smaller businesses out of business, and yet these small businesses are the backbone of our economy. I can understand the dominant provider in wanting to recoup their investment, but it is my opinion that if this continues, they will recoup significantly more and I believe that they do recoup part of their investment in their license agreement with D-Link as well. If they were so confident in their product and quality, then why do they need to resort to blocking access to other providers on their products and prohibiting providers from adding firmware to the D-Link products when they should be allowing access to all providers and allow providers to install their own firmware on the D-Link videophone to show them that their quality is indeed better, if they feel that it is?

It is my understanding that a provider had approached D-Link to discuss the possibility of putting in their own firmware, with the assumption that it would require a bulk order. As I understood it, at first, D-Link was quite eager to do so and discussions had continued over a period of weeks and then suddenly, the discussions stopped and D-Link would not return any more calls to the provider. This is why I believe that the dominant provider does not allow D-Link to work with any VRS provider when it comes to firmware for the D-Link videophones, as there is a licensing agreement between the two. That, to me, is an unfair and anti-competitive practice. This is why I believe that the dominant provider is misleading everyone by saying that other providers are not motivated to improve upon their own end of VRS, when the reality is that they can't even design their own firmware, because of the dominant provider's licensing agreement with D-Link prohibiting it, and they do not have tens of millions of dollars to create a new one from scratch.

The dominant provider also went on to point out that the Commission stated that when they removed the condition placed on AOL Time Warner, that market-based initiatives, such as an agreement

between two competitors demonstrated positive momentum towards achieving interoperability.⁸² I find it quite ironic for them to point this out as it is my opinion that there is somewhat of an informal agreement between all the VRS providers, except for the dominant provider, as they all provide interoperability and full access to all other providers. If the Commission allows the dominant provider to continue to block access to other providers, what is going to happen if the other provider then decides to make their own proprietary videophone? Are they going to say its ok for each VRS user to have 9 different videophones for each of the providers? This will decrease their functional equivalency even further and these consumers will not benefit from having to use different videophones.

I disagree with the dominant provider's statement that the incentive to develop innovations would disappear if the Commission imposes interoperability.⁸³ It is not that the public is asking the dominant provider to give away all of its technology, by interoperability, the public is asking that they stop blocking access to other providers and I believe that they can do so quite easily without giving away their proprietary firmware. I also ask that the Commission look into their dealings with D-Link so that they may find that they're practicing anti-competitive practices by making sure that other providers cannot develop their own firmware on D-Link videophones and I also ask that they allow each provider to be able to provide their own LDAP if they desire to do so. I think it is a very unfair advantage that the dominant provider maintains the LDAP where all the other providers' calls have to go through. The dominant provider's COO as admitted that the D-Link LDAP is managed by the dominant provider.⁸⁴ I believe that if each provider were allowed to develop their own firmware and maintain their own LDAPs, you would see a lot more innovations and this way, the VRS consumers would really benefit as they would be able to make their own comparisons and be able to select their own provider. I also believe that if the Commission does nothing, it would result in chaos if every provider were to follow the dominant provider's tactics and make their own products that block access to other providers.

⁸² See Footnote 8, pgs 26-27

⁸³ *Id.* Pg 29

⁸⁴ Hands On Video Relay Services, Inc.'s Comments, Exhibit 3, CC Docket No. 98-67 and CG Docket No. 03-123, filed April 15, 2005

Once again, I feel that that dominant provider makes another attempt to mislead everyone when they say that their practices are consistent with the Communications Act.⁸⁵ All carriers have a duty to interconnect and yet, they are not compensated for it. The giant provider is the only carrier in the entire telecommunications field that I am aware of that is unwilling to interconnect. Telephone carriers, cell phone carriers, pager carriers, and the like all interconnect, even if they all may have their own proprietary firmware, but they still interconnection and are not paid a fee for that interconnection. My question here is why should the dominant provider be the only one, in the entire field of telecommunications, that gets away with not interconnecting, as they purposely block access to other providers?

CONCLUSION

Now you can see how we have gone back in time. The dominant provider's informed consent and licensing agreement concept takes us back to the days of the Kingsbury Commitment of 1913 where AT&T's market share rose in equation to the number of phones they sold which eventually lead to a significant domination of the market. The fact that the dominant provider refuses to let their product interconnect with other VRS providers is the same exact concept done by AT&T that led to the Communications Act of 1934. The dominant provider's anti-competitive practices are what other carriers back then did that eventually led to the Telecommunications Act of 1996. You can easily see why I have formed the opinion that the dominant provider's tactics is taking us all back in time and basically undoing all of the Acts and regulations of the past that were set forth in order to make telecommunications a fairly competitive business. It has been shown that the dominant provider purposely blocks access to other providers and I will quote one of the dominant provider's executives, "We block its ability to be able to communicate with other VRS services, all other VRS services that we are aware of" and that its done "through IP blocking" and that it was done at the request from their Chief Operating Officer.⁸⁶ This COO has also admitted that the dominant provider maintains the LDAP

⁸⁵ *Id.* Pgs 30-34

⁸⁶ Hands On Video Relay Services, Inc.'s Comments, Exhibit 1, CC Docket No. 98-67 and CG Docket No. 03-123, filed April 15, 2005

for all of the other provider VRS calls that are done through the D-Link videophones.⁸⁷ It is my opinion that this shows that the dominant provider is blatantly disregarding various laws by participating in anti-competitive practices. I also believe that the dominant provider pressures VRS consumers to give up federally guaranteed rights to functional equivalency by making consumers sign license agreements in order to get their videophones. I also believe that in order to receive reimbursements via public funding, then the providers must provide access to all other providers on their devices. The dominant provider is not the only provide that freely distributes videophones and I believe that their claim that they have the right to be exclusive only because they invested millions of dollars is a moot point. If the Commission were to agree with that statement, who is to stop the top 1% richest people from banding together and developing a cell phone that they can freely distribute to millions of people across the nation and then claim its exclusivity only because they invested billions into it? The Commission also needs to keep in mind that we are not asking them to hand over all their proprietary technology to the other providers, but that we are only asking that they stop blocking access to other providers and stop anti-competitive practices that prevent other providers from designing their own firmware on D-Link videophones which is something I believe that the dominant provider is also doing. It's a very simple task for the Commission to do, they do not need to regulate technology and innovations, but merely to enforce the laws that ban the practice of not interconnecting and to enforce the laws that regulate monopolistic attitudes of telecommunication companies. I am not asking them to create new regulations, just enforce the existing ones, it is as simple as that.

I thank you for the opportunity to submit my reply to the comments and I look forward to the Commission in acting quickly to making things right and take VRS consumers out of being back in time and bring us back to current history.

⁸⁷ Id., Exhibit 3

Appendix A

Consumers specifically for interoperability

Adam Schafer Lange	Andrea Bright	Andrew Jennings	Andrew
Anita Buel Scoggins	Anna Mae Mickelson	Bernard Bragg	Bobbie Beth
Brenda Holte Chad A. Ludwig	Carlina Shearer	Cecilia Ramirez	
Charles Cooper Christopher Luna	Cheryl Heppner	Christina	Derhammer
Claudia Foy Craig L. Schmitt	CM Boryslawsky	Colleen Keating	
Curtis E. Reid	Cynthia Renee Sites	D.A. Taylor	Dan Chambers
Dana Jalati Brace	Darlene Ewan	Darrell Campbell	David E.
David Geeslan	David Krueger	David Shearer	Dawn Orahood
Dennis Hart	Dennis Konkell	Diana Pryntz	Donald Cullen
Dorothy C Schaeffer	Dr. Mei Kennedy	Ed Malone	Edgar and
Diane Gutierrez	Elizabeth Merideth	Ellen Warner	Felicitas Mota
Elena Shapiro	Fred McLellan	Gilbert Borinstein	Glenn J. Small
Frank Aviles	Heidi	Heidi Feldman	Irene W.
Glenn Truesdell Leigh	Jack Obermeyer	Jackie Park	Jaime
Jack and Ann Cooper Mariona	James L. Johnson	Janel Davis	Jeff
James Averitt	Jeff McKinney	Jerry Nelson	Jessica Schneider
Jeff Birchell	Jimmy Patterson	Jimmy Peterson	Joe
Jill Thompson Stroyick	Joseph McRoberts	Karen Idler	Kathleen McCaan
John Reynolds	Kelly Krzyska	Kenneth Clark	Kent Davis
Kathy Walters	Kim Davis	Kim Mihan	Larry Littleton
Kevin Barber	Lawrence Lynch	Lee Ellis	
Laua Smith Linda Kennedy	Marilynn Mazza	Mario Montalvo	
Lori Wyke Mary Burns	Michael Bishop	Michael Kalling	
Meredith E. Hill Michelle Abare	Morris Mosseri	Patricia Taylor	Phillip Kaplan
Michelle DeLeonardis-Carlyon	Portia	Ray Willingham	Richard
Philip N. Moos Taylor	Roger Kraft	Rose Marie Panatore	Russ Stein
Robert Roth	Sheila Conlon	Steven Bright	Steven
Sandra Hughes Manning	Stuart Thiessen	Stephanie Buell	
Steven Mularski Tamara Davidson			

Tammy Cravit
Tom Rule
Andersson
Zach Crago

Thomas Jeffrey Koch
V. Waltrip

Tim Johnston
Wanda Lee Hull

Tom Galey
Yerker

Appendix B

Want Compatibility/Full Access/Equal Access/Freedom of Choice of Provider/Open Access/No Blockage or Restrictions/Fuctional Equivalency

Adrenna Moritez	Alicia Smith	Allan Walker Estes	Alex Grist
Alison Bouman	Alyce B. Stifler	Amos Krinsky	Anna Marie Pascoe
Angela	Anita Brodski	Anita Phadke	Anthony Nitko
Barbara Ardoin	Barbara DiGiovanni	Barbara Howard	
Barbara Mongeau			
Bernard Rothenberg	Betty Timon	Bill Grope	Bolos Kaldas
Brian Barron	Brian Byer	Carlie Bishop	Carlina Bishop
Carlos Araujo	Carol MacNicholl	Carol A. Yuknis	Catherin
Fischer			
Cesar Rocha	Charles C. Estes	Charles/Deanna Divincenzo	Charles
D. Warthling			
Cherie Norrod	Chris Roebach	Christine	Christine & Bruce
Christine Loeffler	Christy Hennessey	Cindy Campbell	
Cleofas Runderwood			
Colin Piotrowski	Cora Rose Phillips	Cynthia Aguilar	
Dan Wagner			
Dana Hall	Daniel Beal	Daniel Flanigan	Daniel
Harvey			
Daniel E. Houlihan	Daniel Langholtz	Danielle Henkel	
Darla Farrell			
Darrell Jenkins	David Campbell	Dawnena Muth	
Debbie Prince			
Debbie Watts	Deborah Shaw	Delmar Cheeseman	Derek Hawleyhan
Deron Emmons	Diana Thorp	Diane P. Gutierrez	Don Herman

Don Klover	Don Lee Hanaumi	Donald L. Rosenkjar	Donald Smith
Donna Avent	Donna Neri	Doug Rollins	Ed Kelly
Edwin McCready	Eleanor H. Foley		Elizabeth Beldon
Elizabeth Gastelum			
Elizabeth Radcliffe	Elizabeth Razo	Elizabeth J. Werner	Elmer Ewan
Eric Poe	Eric Stein	Evelio	Frank
Mounts			
Fred E. Gravatt	Fred McBroom	Gail Morrison	Gary B.
Clark			
Gerry Winebrinner	Glenn Wolfangle	Harmon P. Merkis	Harold
Osborn			
Harry Lee	Henry Kaufman	Hilary Ainbender	
Howard Keller			
Huey Barbin	Hugh Lafler	Jackie Shull	Jaime Mariona
James A. Tuttle	James L. Beldon, Sr.	James Forstall	James T.
Delao			
James Roper	Janice Cordero	Janice and Tom Hickey	Jason
Gunderson			
Jason Smith	Jeanette Farnsworth	Jeanne M. Lambert	Jeb Baldrige
Jeff Ellis	Jeffrey Branch	Jennifer Campero	
Jennifer A. Weldgen			
Jennifer Pfau	Jennifer Steele	Jenny	Jerome Lund
Jerome R. Moers	Jerome W. Peeples	Jill Sahakian	Jimmy
Beldon			
Joe Prieto	Joan Naturale	Joan M. Kozicki	Joanne
Dorsberg			
Joanne Sherif	Jock Williams	Jodi Walshvelo	Joel Derrick
John Borkowski	John Harris	John Polstra	Joyce
Hannold			
Jill Lestina	Judith Whetter	Judy Doetsch	Judy Warden
June Duvall	K. Acevedo	Karen Warren	Karen Plaster
Karl Kosiorek	Kathleen L. Waters	Kay Obermeyer	Keith
Baker			
Keith Cook	Kelly Rain Collin	Ken Arcia	Kent
Kennedy			
Kevin Fleese	Kevin Highlander	Larry Fewell	Larry Gray
Larry Obray	Larry R. Puthoff	Larry D. Smolik	
Latrelle Arias			
Lawrence Brick	LeAnn Cayer	Leanne G. Weiner	Leonard
Hull			
Leroy Lynch	Linda Buchanan	Leslie Birchell	Lisa Chase
Lisa Ewan	Lisa Pearce	Louis J. Schwarz	Lynn
Gerlis			
Mandy Preisler	Marcy Jo Morford	Martha Holm	Mary Alice
Gardner			
Mary Beth Blevins	Mary Carver	Mary Konecny	Maureen Sullivan
Matt Idler	Megan Malzkuhn	Melvin L. Patterson	Michael
"Mokie" Bishop			
Michael Blackmore	Michael Byram	Michael Finneran	Michael
Greve			
Michael Raffoul	Michele Michaels	Michelle Osterhout	MJ
Bienvenu			
Molly McGuire	Monroe Wynn	Morris Mosseri	Nancy Billingslea

Nancy E. Kaplan Holmes	Nancy Panasiewicz	Nathan	Neil	B.
Neil McDevitt	Patricia A. Litt	Patricia L. Richey	Patrick Condon	
Patrick Harris	Patty and Fran Tadak	Paul Gold	Paul Stone	
Perr Connolly	Peter Hershon	Philip Jacob	Rachel Smith	
Ramesh S. Phadke	Ramy Bustamant	Randi Katz	Raymond	
J. Suie				
Rayni Kaika	R.D. Rosenberger	Rebecca Reihn	Rene	G.
Pellerin				
Rev. P. Henry Goldberg	Richard Bernard	Richard	Gonsowski	Jr
Richard Jantz, Jr.				
Richard Johnson	Richard Myers	Richard D. Price		
Richard Provost				
Rick Lukowicz	Ricky Fernandez	Richie Bryant	Robert	
Ellison				
Robert Harris	Robert Keirnig	Robert Morgan	Robert Rotondi	
Robert Trania	Ron & Carol Arneson	Ron Busse	Ronald Berger	
Ronald DiGiovanna	Ronald Sutcliffe	Rory Osbrink	Rosa	
Mitchke				
Ryan Zarembka	Sally and James Gaffey	Sally G. Wingard		
Sammy Jackson				
Sandy Busby	Sandy Harvey	Sandy Puckett	Sara Filippone	
Scott Mohan	Scott Smith	Scott M. Snith	Scott Stein	
Scott Vollmar	Sheri Dunn	Shirley Chadwick	Shirley	
Cooligan				
Skip Harvey	Steve Brenner	Steven Manning	Steven	A.
Mutti				
Sue Cameron	Sue J. Cameron	Susan/Bates Barnett	Sylvia	
Rodriguez				
Tara J. Shope	Teresia and Richard Wiley	Terry Jean Rappleyea	Terry	
Worek				
Theresa Quinn	Thomas Coughlin	Thomas J. Dillon		
Tim Finnigan				
Tim Spires	Tina Clark	Toby Welsh	Tonia Lamb	
Tony Crosta	Victor Gonzalez	Virginia Lopez	Wanda	
Hull				
Wayne E. Ramella	Wenonah Holmes	William Duncan		
William Haub				
William Matteson	Young Soon Rybum	Zibby Bayarsky		

Appendix C

Complain about or acknowledge waiting times

Albert Sparks	Ambrose Dannels	Andriana Canning	Anita
Halterman			
Brenda M. Nault	Brian Barron	C. Diane Johnson	
Charles W Percey			
Christina Purviance	Daniel J. Fundermark	David Burch	David Rawson
Dennis Studer	Diana Gayle Elledge	Doug Atkins	Ed & Jo Boyd
Elaine L. Velez	Elizabeth Simmons	Francis M. Kimmes	Frederick J.
Newberry			
Glenn J. Small	Hetty	Ivan Hardenburg	Jacalyn
Lou Stover			
James Freas	Jamie	Jesse Van	Joel Rooy
John and Dorothy Hencker	John J. Jugo	Joseph Vieira	Lewis Fowler
Lisa McDonald	Lisa Roush	Loula Martens	Lourdes
Luis Solano	Margeret	Maria Dolores Farias	Marion Van
Manen			
Michael Alznauer	Michael Peterson	M/M	John Hencker
Nancy Amati			
Ronald Miller	Mildred Milligan	Mr. Krogman	Otis
Harold Barnes			
Paul Bagget	Peggy & Bill Aquilani	Randy Hale	Robert Barnett
Robin	Ronald Delvisco	Rosalinda Perez	
Rose Osborn			
Russell Jobes	Tammy Justice	Tawny Holmes	Tonia Lamb
Trudy J. Hill	Wanda Lee Hull		

Consumers against interoperability –same comments from Sorenson website

Amy Windhurst	Ann Moster	Barry Jensen	Billy Koch
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Charlene Santiago
Thompson
Gary Roush
Logan Jensen
Ng
Nicholas C. Walter

Christopher Luna
Holly Jensen
Michael Zeledon
Shawn McKenzie

David Hunter
Kevin Ryan
Patrick M. Murray
Steve Chu
Evelyn
Lisa Moster
Mon Ching